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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,285	04/24/2000	Geoff W. Taylor		7980

7590 04/17/2003

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[REDACTED] EXAMINER

MUNSON, GENE M

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2811

DATE MAILED: 04/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	556,285	Applicant(s)	G. TAYLOR
Examiner	G. MUNSON	Group Art Unit	2811

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

Responsive to communication(s) filed on 20 February 2003

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

Claim(s) 9-21, 23-27, 29-36 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 9-21, 23-27, 29-36 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

### Application Papers

The proposed drawing correction, filed on 20 Feb 2003 is  approved  disapproved. Fig. 4

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 15  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

### Office Action Summary

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The amendment to the specification in the response, filed 20 February 2003, page 2, has not been entered, because the amendment does not replace paragraphs pursuant to 37 CFR 1.121(b). The proposed correction of Figure 4 is not approved, because the proposed Figure 4 does not agree with Figures 1 and 2, which do not show layer 159/160 to be adjacent to layer 165, as shown in the proposed Figure 4.

On page 16, line 13, of the amended specification, filed 7 October 2002, "biased" is misprinted.

The specification is objected to under 37 CFR 1.71. On page 12, lines 21-22, of the amended specification, the equation has been omitted. See page 13, line 12, of the original specification.

Claims 9-21, 23-27 and 29-36 are rejected under 35 U.S.C. 112, first paragraph, as not being based on an adequate specification. How the layers of Figures 1 and 2 fit into the device of Figure 4 is not clearly described to enable any person skilled in the art to make and use the invention. Via which layer of Figure 1 signal charge reaches the output in Figure 4 is not clearly explained.

The arguments in the response have been considered but are not wholly persuasive. The explanation in the response (paragraph bridging pages 13-14) does not appear clearly in the specification on page 10, line 3 to page 11, line 21 nor on page 14, lines 3-20.

No claim is allowed.

This action is **FINAL**.

This action is a **final rejection** and is intended to close the prosecution of this application.

Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of

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Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of appropriate amount.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing , whichever is longer, of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

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mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

G MUNSON  
(703) 308-4925 or 0956

4/15/03



GENE M. MUNSON  
EXAMINER  
GROUP ART UNIT 2811